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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas R. Omstead et al. Art Unit : 3728
Serial No. : 10/697,151 Examiner : John T. Kavanaugh
Filed : October 31, 2003
Title : FOOTWEAR CONTAINING IMPROVED AUDIO/VISUAL DISPLAYS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed March 3, 2005, Applicant elects, subject to the comments below, the invention of Species II. Applicant submits that claims 1-11 are readable thereon. Since claim 1 is generic, as noted in the restriction requirement, Applicant notes that allowance of claim 1 will result in the allowance of all of claims 1-20. The election of claims 1-11 is made without traverse.

Applicant, however, traverses the restriction requirement to the extent that the present application does not, in fact, include the patentably distinct species recited therein. In particular, the restriction requirement species I and II as corresponding to patentably distinct species of Figures 1 and 2, respectively. In fact, however, Figure 2 is merely an exploded view of Figure 1, as noted in paragraph [0016] of Applicant's specification, and, therefore, is not a patentably distinct embodiment of Applicant's invention.

Similarly, alleged species III, IV, and V are said to correspond to Figures 3A/3B, 4A/4B, and 5, respectively. Again, however, Figures 3A/3B, 4A/4B, and 5 are merely different view of the same embodiment of Applicant's invention.

In order to clarify the above points, Applicant has amended the “Brief Description of Drawings” on pages 4-5 of Applicant’s specification, by virtue of the Preliminary Amendment included herewith. Accordingly, Applicant requests clarification and correction of the restriction requirement in the Examiner’s next official communication.

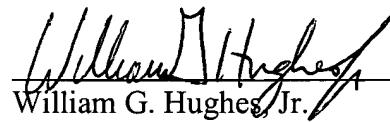
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Attorney's Docket No.: 16590-003001

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Respectfully submitted,

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